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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,916	03/23/2000	David J. Marsh	MS1-525US	9507
22801	7590	12/28/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			LEE, SEUNG H	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/534,916

Applicant(s)

MARSH, DAVID J.

Examiner

Seung H. Lee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22, 24-36, 38-46, 50 and 52-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22, 24-36, 38-46, 50 and 52-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Receipt is acknowledged of the Appeal Brief response filed on 25 July 2005, which has been entered in the file.

### ***Additional Remarks***

2. The finality of the pervious Final Office action, dated 06 April 2004, is hereby withdrawn. A new ground of rejection is set forth below.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 9-11, 15-22, 24, 25, 29, 30, 33, 50, 52, and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Blatter et al. (US 5,933,500)(hereinafter referred to as 'Blatter').

Re claim 9: Blatter teaches a insertable smart card (130) comprising algorithm functions such as playback algorithm serving as a key for encrypting/decrypting data stream wherein the smart card is storing billing information belong to particular user or the household using a data storage section in the smart card (not particularly shown) wherein such stored billing information serves as data value to the user (see figs. 1-4; col. 2, lines 20-32; col. 5, line 16-col. 6, line 40),

Re claims 10 and 11: The billing information varies based on the type of storage such as fee for storing (e.g., encrypting) the program and/or playback (e.g., decrypting) of programs by communicating information using a required communication module (e.g., a receiver/transmitter) of the smart card (see col. 11, lines 40-67),

Re claim 15: The smart card stores a pre-stored credit serving as electronic money which can be deducted (see col. 11, lines 40-67),

Re claims 16 and 19: Blatter teaches the insertable smart card storing coded information for determining customer entitlement of encrypting/decrypting program accordingly at user home (see figs. 1-4; col. 5, lines 16- col. 6, line 26)

Re claim 17 and 18: The value stored in the smart card such as the pre-stored credit is above fee required for storing program wherein the pre-stored credit is expected to be of value to a user (see col. 11, lines 40-67),

Re claim 20: The transport system (25) comprises a computer readable media or memory (not shown) for executing decrypting/encrypting of programs using a insertable smart card (130),

Re claims 21 and 24: Blatter teaches a insertable smart card (130) serving as a portable integrated circuit device comprising algorithm functions such as playback algorithm serving as a key for encrypting/decrypting data stream wherein the smart card is storing billing information belong to particular user or the household serving as additional data such as pre-stored credit serving as electronic money which is not used to decrypt stored program (see figs. 1-4; col. 2, lines 20-32; col. 5, line 16-col. 6, line 40),

Re claim 22: The program can be decrypted according to the value of the stored amount of credit or the pre-stored credit must contain more than minimum fee available within the smart card,

Re claim 25: The transport system (25) comprises a computer readable media or memory (not shown) for executing decrypting/encrypting of programs using a insertable smart card (130),

Re claim 29: Blatter teaches a insertable smart card (130) serving as a portable integrated circuit device comprising algorithm functions such as playback algorithm serving as a household identifier for encrypting/decrypting program wherein the smart card is storing billing information belong to particular user or the household (see figs. 1-4; col. 2, lines 20-32; col. 5, line 16-col. 6, line 40),

Re claim 30: The smart card of Blatter is required to decrypt encrypted program using stored data,

Re claim 33: The transport system (25) comprises a computer readable media or memory (not shown) for executing decrypting/encrypting of programs using a insertable smart card (130),

Re claims 50 and 53: Blatter teaches a transport system serving as a network identifier for receiving one of the plurality of the insertable smart cards distributed to users wherein each and every smart card is used to encrypt/decrypt programs with particular user at a single house or within boundary of network devices when the system coupled to the smart card by inserting the smart card into the smart card reader (not shown) therein wherein the received programs is rendered when the proper smart card is provided by the user (see figs. 1-4; col. 2, lines 20-32; col. 5, line 16-col. 6, line 40),

Re claim 52: The transport system of Blatter includes a antenna to receive programs and an audio decoder (80) and video decoder (85) to render programs.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter in view of Handelman et al. (US 5,666,412, of the record)(hereinafter referred to as 'Handelman').

Re claims 1, 2, and 5-7: Blatter teaches a insertable smart card (130) serving as a portable integrated circuit device comprising algorithm functions such as playback algorithm serving as a key for encrypting/decrypting data stream wherein the smart card is comprising a data storage section (not particularly shown) for storing billing information belong to particular user or the household (see figs. 1-4; col. 2, lines 20-32; col. 5, line 16-col. 6, line 40).

However, Blatter fails to teach or fairly suggest that the IC card comprises a user-specific information storage section.

However, Handelman teaches a memory unit comprises a nonvolatile memory or Read Only Memory (ROM) (see figs. 1-12; col. 12, line 22 - 31), a plurality of IC card (28 and 30) for a different category of media content wherein the smart card corresponds to a particular category serving as user preferences (e.g., a family oriented media and an adult oriented media) (see figs. 1-12; col. 3, line 13 - 18), comparing a rating corresponding to the media content (parental control) to a rating associated with a smart card and allowing access to the media content if the rating corresponding to the media content does not exceed the rating associated with the smart card (see col. 7, line 24 - 43), the rating associated with the smart card is stored on the smart card (see col. 3, line 18 - 23), the allowing access comprising allowing the media content to be decrypted (Describable Program Channel) for rendering (see Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate teachings of Handelman to the teachings of Blatter in order to provide an improved and an enhanced means by encrypting and decrypting the media content based on the key value of the smart card (i.e., adult and/or family oriented media content) for preventing access by children.

Re claim 3: Blatter teaches the smart card stores a pre-stored credit serving as electronic money which can be deducted (see col. 11, lines 40-67),

Re claim 4: The value stored in the smart card such as the pre-stored credit is above fee required for storing program wherein the pre-stored credit is expected to be of value to a user (see col. 11, lines 40-67),

Re claim 8: The stored program only can be played where the owner of the smart card physically presented or allowed to play by others serving as limiting rendering place of the stored place.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter in view of Yoshida et al. (US 6,411,712)(hereinafter referred to as 'Yoshida').

The teachings of Blatter have been discussed above.

Although, Blatter teaches the smart card containing the key to encrypt/decrypt the media content for encrypting/decrypting program, he fails to teach or fairly suggest that the smart card comprises a processor for encrypt and decrypt the media content.



Yoshida teaches a digital broadcast receiver comprising a smart card (C2) for encrypt the program using function C20 and decrypt the program using function C1'(S) (see figs. 2-11; col. 8, line 31- col. 13, line 57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate teachings of Yoshida to the teachings of Blatter in order to provide an improved security for preventing unauthorized copying of the program.

8. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter in view of Handelman.

The teachings of Blatter have been discussed above.

Although, Blatter teaches the smart card containing the key to encrypt/decrypt the media content for encrypting/decrypting program including adult-rated program (col.2, lines 20-32), he fails to teach or fairly suggest that the IC card comprises a nonvolatile memory and a user-specific information storage section.

However, Handelman teaches a memory unit comprises a nonvolatile memory or Read Only Memory (ROM) (see col. 12, line 22 - 31), a plurality of IC card (28 and 30) for a different category of media content wherein the smart card corresponds to a particular category of media content that comprise a family oriented media which program does not require the parental control and adult oriented media which program requires the parental control (see col. 3, line 13 - 18), comparing a rating corresponding to the media content (parental control) to a rating associated with a smart card and

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allowing access to the media content if the rating corresponding to the media content does not exceed the rating associated with the smart card (see col. 7, line 24 - 43), the rating associated with the smart card is stored on the smart card (see col. 3, line 18 - 23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate teachings of Handelman to the teachings of Blatter in order to provide an improved and an enhanced means by encrypting and decrypting the media content based on the key value of the smart card (i.e., adult and/or family oriented media content) for preventing access by children.

9. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter in view of Handelman.

Re claims 26 and 28: Blatter teaches a insertable smart card (130) serving as a portable integrated circuit device comprising algorithm functions such as playback algorithm serving as a key for encrypting data stream wherein the smart card is comprising a data storage section (not particularly shown) for storing billing information belong to particular user or the household (see figs. 1-4; col. 2, lines 20-32; col. 5, line 16-col. 6, line 40).

However, Blatter fails to particularly teach or fairly suggest that a plurality of smart card is used according to the category of the program.

However, Handelman teaches a plurality of IC card (28 and 30) for a different category of media content wherein the smart card corresponds to a particular category

of media content that comprise a family oriented media which program does not require the parental control and adult oriented media which program requires the parental control (see col. 3, line 13 - 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate teachings of Handelman to the teachings of Blatter in order to provide an improved and an enhanced means by encrypting the media content based on the key value of the smart card in which the proper smart card with key value is required for decrypting program for preventing access by children.

Re claim 27: Blatter teaches a decryption unit (50) serving as a decoding module for receiving encrypted program for decrypting encrypted program, and transmitting the decrypted program to application interface (70) and decoders (80 and 85) serving as a rendering module for output using display (not shown) (see figs. 1 and 4; col. 14, lines 1-29).

10. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter in view of Handelman.

The teachings of Blatter have been discussed above. Although, Blatter teaches the smart card containing the key serving as an household identifier to encrypt/decrypt the media content for encrypting/decrypting program including adult-rated program (col.2, lines 20-32), he fails to teach or fairly suggest that a plurality of smart card are used according to the category of the program.

However, Handelman teaches a plurality of IC card (28 and 30) for a different category of media content wherein the smart card corresponds to a particular category of media content that comprise a family oriented media which program does not require the parental control and adult oriented media which program requires the parental control (see col. 3, line 13 - 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate teachings of Handelman to the teachings of Blatter in order to provide an improved and an enhanced means by encrypting the media content based on the key value of the smart card in which the proper smart card with key value is required for decrypting program for preventing access by children.

11. Claims 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter in view of Handelman.

Blatter teaches a insertable smart card (130) for encrypting/decrypting program wherein the smart card (see figs. 1-4; col. 2, lines 20-32; col. 5, line 16-col. 6, line 40).

However, Blatter fails to particularly teach or fairly suggest that the method of comparing rating of the program with rating associated with the smart card for further process.

Handelman teaches a CATV system comprising a plurality of IC card (28 and 30) for a different category of media content wherein the smart card corresponds to a particular category of media content that comprise a family oriented media which program does not require the parental control and adult oriented media which program

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requires the parental control (see col. 3, line 13 - 18), comparing a rating corresponding to the media content (parental control) to a rating associated with a smart card and allowing access to the media content if the rating corresponding to the media content does not exceed the rating associated with the smart card (see col. 7, line 24 - 43), the rating associated with the smart card is stored on the smart card (see col. 3, line 18 - 23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate teachings of Handelman to the teachings of Blatter in order to provide an improved and an enhanced means by encrypting and decrypting the media content based on the key value of the smart card (i.e., adult and/or family oriented media content) for preventing access by children.

12. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter in view of Handelman.

Blatter teaches a transport system (25) serving as a computing device having a computer readable media or memory (not shown) for executing decrypting/encrypting of programs using a insertable smart card (130), wherein the system receive the program at a household via a cable or satellite broadcasting company, wherein received program can be encrypted/decrypted using algorithm functions serving as a household identifier stored in the smart (see figs. 1-4; col. 2, lines 20-32; col. 5, line 16-col. 6, line 40).

However, Blatter fails to teach or fairly suggest that the IC card comprises a user-specific information storage section.

However, Handelman teaches a memory unit comprises a nonvolatile memory or Read Only Memory (ROM) (see figs. 1-12; col. 12, line 22 - 31), a plurality of IC card (28 and 30) for a different category of media content wherein the smart card corresponds to a particular category serving as user preferences (e.g., a family oriented media and an adult oriented media) (see figs. 1-12; col. 3, line 13 - 18), comparing a rating corresponding to the media content (parental control) to a rating associated with a smart card and allowing access to the media content if the rating corresponding to the media content does not exceed the rating associated with the smart card (see col. 7, line 24 - 43), the rating associated with the smart card is stored on the smart card (see col. 3, line 18 - 23), the allowing access comprising allowing the media content to be decrypted (Describable Program Channel) for rendering (see Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate teachings of Handelman to the teachings of Blatter in order to provide an improved and an enhanced means by encrypting and decrypting the media content based on the key value of the smart card (i.e., adult and/or family oriented media content) for preventing access by children.

13. Claims 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter in view of Handelman.

Re claims 40-42, 43: Blatter teaches a insertable smart card (130) serving as a portable integrated circuit device comprising algorithm functions such as playback algorithm serving as a key for encrypting/decrypting program associated with

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particularly user or household according to data stored in the smart card (see figs. 1-4; col. 2, lines 20-32; col. 5, line 16-col. 6, line 40).

However, Blatter fails to teach or fairly suggest that the IC card comprises a user-specific information storage section and managing information section therewith.

However, Handelman teaches a memory unit comprises a nonvolatile memory or Read Only Memory (ROM) (see figs. 1-12; col. 12, line 22 - 31), a plurality of IC card (28 and 30) for a different category of media content wherein the smart card corresponds to a particular category serving as user preferences (e.g., a family oriented media and an adult oriented media) (see figs. 1-12; col. 3, line 13 - 18), comparing a rating corresponding to the media content (parental control) to a rating associated with a smart card and allowing access to the media content if the rating corresponding to the media content does not exceed the rating associated with the smart card (see col. 7, line 24 - 43), the rating associated with the smart card is stored on the smart card (see col. 3, line 18 - 23), the allowing access comprising allowing the media content to be decrypted (Describable Program Channel) for rendering (see Fig. 2), a processor of the IC card (not shown) storing/managing billing data corresponding to viewing program (col. 3, lines 1-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate teachings of Handelman to the teachings of Blatter in order to provide an improved and an enhanced means by encrypting and decrypting the media content based on the key value of the smart card (i.e., adult and/or family oriented media content) for preventing access by children.

Re claim 44: Blatter teaches the smart card stores a pre-stored credit serving as electronic money which can be deducted in a data storage section (not particularly shown) of the smart card (see col. 11, lines 40-67),

14. Claims 45 and 46 rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter in view of Handelman.

Blatter teaches a insertable smart card (130) serving as a portable integrated circuit card comprising algorithm functions such as playback algorithm serving as a key for encrypting/decrypting program associated with particularly user or household according to data stored in the smart card (see figs. 1-4; col. 2, lines 20-32; col. 5, line 16-col. 6, line 40).

However, Blatter fails to teach or fairly suggest that the IC card comprises a user-specific information storage section.

However, Handelman teaches a plurality of IC card (28 and 30) for a different category of media content wherein the smart card corresponds to a particular category serving as user preferences (e.g., a family oriented media and an adult oriented media) (see figs. 1-12; col. 3, line 13 - 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate teachings of Handelman to the teachings of Blatter in order to provide an improved and an enhanced means by encrypting and decrypting the media content based on the key value of the smart card (i.e., adult and/or family oriented media content) for preventing access by children.



15. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter in view of Rouyrre et al. (US 5,841,119, of the record)(hereinafter referred to as 'Rouyrre').

The teachings of Blatter have been discussed above.

Although, Blatter teaches the method of using the insertable smart card with the particular user, he fail to teach the smart card can be moved to different device to alter the boundaries of the network.

However, Rouyrre teaches a smart card can be used for payment card for telephone and accessing the TV pay channel (see col. 1, lines 18-35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Rouyrre to the teachings of Blatter in order to provide convenience by accessing the various network using a single smart card, that is, user need only one smart card to access the telephone network and cable television network.

16. Claims 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter as modified by Handelman as applied to claim 1 above, and further in view of Adams (US 6,378,130, of the record).

The teachings of Blatter/Handelman have been discussed above.

Although, Blatter/Handelman teaches the insertable smart card containing the key to encrypt/decrypt programs, they fail to teach or fairly suggest that the smart card comprises particular information in the smart card.

However, Adams teaches the memory (32) of the set-top terminal (6) includes a parental control codes, favorite channel lineups, authorization table (see Fig. 3; col. 4, lines 43-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate teachings of Adams to the teachings of Blatter/Handelman in order to provide a convenient operating system by accessing the favorite channels stored in the smart card through a set-top boxes where the smart card can be acknowledged by terminal.

### ***Response to Amendment***

17. Applicant's arguments with respect to claims 1-22, 24-36, 38-46, 50, 52-57 has been considered but are moot in view of the new ground(s) of rejection.


In response to the applicant's argument that "*.....Owashi in view of Kim does not disclose or suggest a smart card comprising a key, associated with one particular household, to be used to encrypt and decrypt media content.....*" (see page 9, line 7+ of *Appeal Brief*), the Examiner respectfully provide Blatter reference wherein Blatter disclose the insertable smart card having key for encrypting and decrypting program as discussed above.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seung H. Lee whose telephone number is (571) 272-2401. The examiner can normally be reached on Monday-Friday, 7:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Seung H Lee  
Art Unit 2876  
December 13, 2005

  
KARL D. FRECH  
PRIMARY EXAMINER